

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

400L0680

HOUSE BILL NO. 1258

Introduced by: The Committee on Judiciary at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the definition of an abused or neglected child.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 26-8A-2 be amended to read as follows:

4 26-8A-2. In this chapter and chapter 26-7A, the term, abused or neglected child, means a
5 child:

6 (1) Whose parent, guardian, or custodian has abandoned the child or has subjected the
7 child to mistreatment or abuse;

8 (2) Who lacks proper parental care through the actions or omissions of the child's parent,
9 guardian, or custodian;

10 (3) Whose environment is injurious to the child's welfare;

11 (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary
12 subsistence, supervision, education, medical care, or any other care necessary for the
13 child's health, guidance, or well-being;

14 (5) Who is homeless, without proper care, or not domiciled with the child's parent,
15 guardian, or custodian through no fault of the child's parent, guardian, or custodian;

16 (6) Who is threatened with substantial harm;



- 1 (7) Who has sustained emotional harm or mental injury as indicated by an injury to the
2 child's intellectual or psychological capacity evidenced by an observable and
3 substantial impairment in the child's ability to function within the child's normal
4 range of performance and behavior, with due regard to the child's culture;
- 5 (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the
6 child's parent, guardian, custodian, or any other person responsible for the child's
7 care;
- 8 (9) Who was subject to prenatal exposure to abusive use of alcohol or any controlled
9 drug or substance not lawfully prescribed by a practitioner as authorized by chapters
10 22-42 and 34-20B ; or
- 11 (10) Whose parent, guardian, or custodian knowingly exposes the child to an environment
12 that is being used for the ~~manufacturing~~ manufacture, use, or distribution of
13 methamphetamines or any other unlawfully manufactured controlled drug or
14 substance.